

DEPT GARDEPHE

18 CV 4496

1 Brian Burke, Pro Per  
2 145 EAST 23<sup>RD</sup> STREET APT. 4R  
3 NEW YORK, NY 10010  
4 646-434-8513

5 UNITED STATES DISTRICT COURT  
6  
7 FOR THE SOUTHERN DISTRICT OF NEW YORK  
8

9 BRIAN BURKE, Plaintiff, ) Case#  
10 vs. ) COMPLAINT AND AFFIRMATION  
11 ) JURY TRIAL DEMAND  
12 VERIZON COMMUNICATIONS, )  
13 INC., HOUSING & SERVICES, )  
14 INC., KENMORE HOUSING  
15 DEVELOPMENT FUND  
16 CORPORATION, KENMORE  
17 HOUSING CORPORATION,  
18 KENMORE ASSOCIATES, L.P.,  
19 NEW YORK CITY TRANSIT  
20 AUTHORITY, NEW YORK CITY  
21 HEALTH & HOSPITALS  
22 CORPORATION (BELLEVUE), NEW  
23  
24  
25  
26  
27  
28

COMPLAINT AND AFFIRMATION

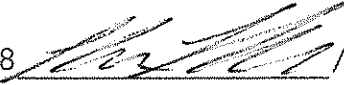
JURY TRIAL DEMAND - 1

1 YORK CITY POLICE  
2  
3 DEPARTMENT, NEW YORK CITY  
4  
5 FIRE DEPARTMENT, RYAN  
6  
7 CAMIRE L.C.S.W., CITY  
8  
9 UNIVERSITY OF NEW YORK,  
10  
11 TRANSPORT WORKERS UNION  
12  
13 LOCAL 100, MADELINE  
14  
15 O'Brien, M.D., JOHN/JANE  
16  
17 DOE, *ET AL.*,

18 Respondents

19  
20  
21 INTRODUCTION

22 I declare, certify, verify, and state under penalty  
23 of perjury that the foregoing is true and correct.

24 Executed on MONDAY, May 21, 2018 /S/:

25 This is an action to remedy the rights of Brian  
26 Burke, a 17<sup>1</sup> year employee of New York City Transit and

27  
28  

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29 <sup>1</sup> It is acknowledged that NYCTA sent plaintiff a strictly  
30 Retaliatory (due to the injury defendants caused and Whistle-  
31 Blowing/Protected Activity)"termination from probation" letter  
32 in May 2016 in violation of Contract, Civil Service Law and  
33 Precedent before Contract Arbitrator and EDNY Judge, using a

34 COMPLAINT AND AFFIRMATION

35 JURY TRIAL DEMAND - 2

1 28+ year Tenant of 145 East 23<sup>rd</sup> Street apt. 4R NY, NY,  
2 Patient of Bellevue Hospital (under World Trade Center  
3 Health Program), *etc.*, under violations of 42 U.S. Code  
4 § 1983, Federal and New York Civil R.I.C.O.,  
5 Defamation, Defamation *per se*, (intentional/negligent)  
6 Medical Malpractice, Fraud, Theft, Tortious  
7 Interference With Prospective Economic Advantage,  
8 Federal, NY State, NYC False Claims Act(s), New York  
9 City/State Human Rights Law(s), Retaliatory Termination  
10 and Retaliatory Attempted Eviction, NY State Civil  
11 Service Law, HIPAA, Americans with Disabilities Act,  
12 ongoing NYCTA/TWU Local 100 Employment Contract  
13 Violations, and/or Conspiracy to Commit same, *etc.*, but  
14 not limited to.  
15  
16  
17  
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#### 22 JURISDICTION & VENUE

23 This Court has Jurisdiction pursuant to the  
24 following Statutes; 28 U.S.C. § 1331, 28 U.S.C. § 1343  
25 and 28 U.S.C. § 1367. Venue is appropriate in this  
26

27  
28 Forged/False Instrument for Filing without Agreement  
Consideration or Performance.

COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 3

1 judicial district as the events that gave rise to this  
2 Complaint occurred in this district.  
3

4 JURY DEMAND

5 A jury trial is demanded under the Seventh  
6 Amendment to the Constitution of the United States and  
7 Fed. R. Civ. P. 38.  
8

9 PARTIES

10  
11 Plaintiff is a 56 year old citizen of the United  
12 States, 17 year Train Operator/Station Agent for the  
13 New York City Transit Authority (hereon in NYCTA). He  
14 has resided in New York County, New York for over  
15 thirty years, has never been arrested or charged with  
16 any crime and has been regularly and randomly drug and  
17 alcohol tested as recently as 03/11/2015.  
18  
19

20 *Qui facit per alium facit per se*

21  
22 NYCTA is the employer at issue. NYCTA is a public  
23 entity pursuant to 42 U.S.C §12131, etc. NYCTA resides  
24 at 2 Broadway, New York, NY within this Court's  
25 Jurisdiction. NYCTA receives federal funds.  
26  
27  
28

COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 4

1 VERIZON COMMUNICATIONS, INC., HOUSING & SERVICES,  
2 INC., KENMORE HOUSING DEVELOPMENT FUND CORPORATION,  
3 KENMORE HOUSING CORPORATION, KENMORE ASSOCIATES, L.P.  
4 (hereon in Verizon Defendants, or Verizon) are the  
5 putative owners (see DOB website and attached 990 page)  
6 of 145 East 23<sup>rd</sup> Street, New York, NY 10010 (a.k.a. 143-  
7 147). It is acknowledged that Petitioner has, and does,  
8 contend that the alleged, no consideration, 'transfer'  
9 of deed, from The People of the United States to  
10 Verizon, etc. was/is null and void for violating  
11 federal statute requiring an auction, and lack of  
12 correct notarization of alleged signature of deed, if  
13 that was the proper person to perform said (illegal)  
14 transfer (by a Mr. Burke who is not Plaintiff).  
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21 The New York City Police Department (NYPD), Fire  
22 Department (FDNY), Health & Hospitals Corporation (H&H  
23 or Bellevue), City University of New York (CUNY), Ryan  
24 Camire, Licensed Clinical Social Worker (in February  
25 2014 at Bellevue Mobile Crisis Unit, now CUNY), Dr.  
26 Madeline O'Brien, M.D. (previously Bellevue, now  
27  
28

COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 5

1 Lincoln Hospital), et al., were complicit, to varying  
2 degree, with NYCTA and Verizon in the Depravation of  
3 Rights Under Color of Law, Retaliatory, unlawful,  
4 contract violating termination, Defamation, Medical  
5 Malpractice, etc., causing proven injury to Plaintiff,  
6 threatening unlawful Eviction/Removal from lawful rent  
7 stabilized home of 28+ years (under Color of Law).  
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11

12 **DEPRAVATION OF RIGHTS UNDER COLOR OF LAW**  
13

- 14 1. On December 7, 1989, Petitioner moved into  
15 145 East 23<sup>rd</sup> Street, as a lawful permanent  
16 tenant, with the assistance of MFY Legal  
17 Services (now MFJ). The property was at the  
18 time considered an SRO controlled by NYS  
19 Rent Stabilization Law.  
20  
21  
22 2. In approx. 1991 Tenant Brian Burke and  
23 Landlord/Shell Company (Jude Corporation,  
24 owned in whole by **Trương Đình Trần**,  
25 suspected of Heroin/Opium Trafficking in  
26 South East Asia during Vietnam Conflict and  
27  
28

COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 6

1 after) appeared in NYC Housing Court over  
2 alleged 'non-payment' and actual Warranty of  
3 Habitability and Diminution of Services.  
4 Tenant was prevailing party, and, on  
5 Information and Belief, added to serial  
6 "Blacklists" see  
7 [https://www.nytimes.com/2016/08/17/nyregion/  
8 new-york-housing-tenant-blacklist.html](https://www.nytimes.com/2016/08/17/nyregion/new-york-housing-tenant-blacklist.html) and  
9 [https://www.npr.org/2014/12/14/367833532/ten  
10 ant-blacklist-can-haunt-new-york-renters-  
11 for-years](https://www.npr.org/2014/12/14/367833532/tenant-blacklist-can-haunt-new-york-renters-for-years)  
12  
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15

16 3. In 1994 the Federal Government necessarily  
17 assumed control/title of property, due to  
18 criminal activity/hazardous conditions  
19 known/initiated by Mr. Tran. See *UNITED*  
20 *STATES of America v. ALL RIGHT, TITLE AND*  
21 *INTEREST IN REAL PROPERTY AND APPURTENANCES,*  
22 *thereto known as 143-147 East 23rd Street, New*  
23 *York, New York, Listed as Block 879, Lot 27, which*  
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COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 7

1 includes the Kenmore Hotel, Defendants, Jude Hotel  
2 Corporation, Claimant- Appellant. 77 F. 3d 648  
3

4 4. Management of subject property was lawfully  
5 undertaken by U.S. Marshal's Service and  
6 Managing Agent Esquire Management. Many  
7 tenants engaged in crime, harassment, etc.,  
8 were evicted, along with (former) owner.  
9 Plaintiff, who was never charged with,  
10 accused of, or engaged in unlawful conduct,  
11 (has never been arrested through today),  
12 remained a tenant in good standing.  
13

14 5. Kenmore Housing Development Fund Corporation  
15 was established. Normally, an HDFC<sup>2</sup> is  
16 founded to allow the existing tenants to  
17 purchase their apartment or 'Co-op' the  
18 building, in the interest of tenants.  
19

20 Instead a secret (illegal) *quid-pro-quo* (on  
21  
22

23  
24  
25 <sup>2</sup> "Through a "tenant petition" process, residents are able  
26 to choose whether to remain renters or become owners."  
27 [https://www.habitatmag.com/Publication-Content/2008/2008-](https://www.habitatmag.com/Publication-Content/2008/2008-June/Featured-Articles-from-Our-Print-Magazine/HDFC-Low-Income-Affordable-Co-ops,_not_done)  
28 [June/Featured-Articles-from-Our-Print-Magazine/HDFC-Low-Income-](https://www.habitatmag.com/Publication-Content/2008/2008-June/Featured-Articles-from-Our-Print-Magazine/HDFC-Low-Income-Affordable-Co-ops,_not_done)  
[Affordable-Co-ops, not done.](https://www.habitatmag.com/Publication-Content/2008/2008-June/Featured-Articles-from-Our-Print-Magazine/HDFC-Low-Income-Affordable-Co-ops,_not_done)



1 information and belief) was performed  
2 illegally transferring subject property to  
3 the wealthiest Corporation in New York,  
4 Verizon. Verizon paid nothing for the  
5 property and allegedly put in 8 figures for  
6 a Major Capital Improvement that was never  
7 registered or properly permitted or  
8 licensed. Those 8 figures were immediately  
9 'deeded' back to Verizon as a dubious 'tax  
10 credit' and the money itself mostly stolen  
11 by H&S, Inc. principles (including convicted  
12 Drug Trafficker Larry Oaks).

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18 6. It is acknowledged that Verizon Corporation,  
19 Inc. hired Housing & Services, Inc. to act  
20 as their<sup>3</sup> 'Managing Agent', presumably  
21 subject to removal for malfeasance,  
22 misconduct or perhaps no reason at all.  
23  
24

25  
26 <sup>3</sup> Verizon owns, undisputed, 99.9%[sic] of listed shell  
27 'owner' (no employees, etc.) Kenmore Associates, L.P., i.e.  
28 Verizon is the definitive 'Beneficial Owner' as a matter of law,  
i.e. actual 'Landlord' (until deed transfer is made null and  
void).

1           'Managing Agent' Housing & Services, Inc.  
2           has continuously engaged in said willful,  
3           intentional (with scienter) unlawful,  
4           harmful, dangerous, fraudulent, etc.,  
5           misconduct since. Petitioner has previously  
6           attempted to inform the 'Beneficial Owner'  
7           (Verizon CEO, etc.) via email, snail mail,  
8           phone, etc., of this malfeasance.

12        7.       Plaintiff acknowledges engaging in  
13           litigation with Verizon's Shell Company for  
14           most of this century. Petitioner, *pro se*,  
15           was the prevailing party, including before a  
16           jury, and in a sealed (NDA) Federal case.

19        8.       In retaliation<sup>4</sup> for Plaintiff attempting to  
20           contact/inform the listed 'Beneficial Owner'

22  
23        <sup>4</sup> Section 1983 is an important means of redress for  
24        constitutional violations committed not only by state government  
25        officials, but also by non-state actors, such as private  
26        individuals and federal officials. Indeed, the statute is known  
27        as the "Ku Klux Klan Act" because one of its primary purposes  
28        was to provide a civil remedy against abuses that were being  
      committed in southern states during the Reconstruction era,  
      especially by private organizations such as the Ku Klux Klan.  
      See *Monroe v. Pape*, 365 U.S. 167, 174-76 (1961). The Supreme  
      Court has consistently held that non-state actors can, under

1 of the subject property of criminal activity  
2 by their employees/contractees (H&S,I),  
3 Verizon, via employee of sub-agent H&S,I  
4 Francesca Rossi L.C.S.W., ordered/instructed  
5 Bellevue Hospital Mobile Crisis Unit to  
6 perform witting, intentional  
7 Defamation/Defamation *per se*/Medical  
8 Malpractice (which was done) and attempted  
9 to have Plaintiff removed from home without  
10 court order, cause, probable cause (in a  
11 corrupt misuse/attempted  
12 malpractice/maladaptation of NYS Mental  
13 Hygiene Law/Practice (see **Adrian**

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22 certain circumstances, engage in conduct under "color of State  
23 law," and may be subject to liability under section 1983 where  
24 they "act jointly" or conspire with state government officials.  
25 See, e.g., *Brentwood Acad. v. Tenn. Secondary Sch. Ath. Ass'n*,  
26 531 U.S. 288, 296 (2001); *Tower v. Glover*, 467 U.S. 914, 919  
27 (1984); *Dennis v. Sparks*, 449 U.S. 24, 27 (1980); cf. *United*  
28 *States v. Price*, 383 U.S. 787, 794 (1966) (holding that, for  
purposes of finding liability under the criminal law analogue of  
section 1983, 18 U.S.C. § 242, private individuals acting  
jointly with state officers engage in conduct "under color" of  
state law)

COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 11

1           **Schoolcraft, v. City of New York, et al., 10**  
2           **Civ. 6005 (RWS))**, see also First Amendment.

3  
4           9.       On February 7, 2014<sup>5</sup> at approximately 10-  
5           1030am Mr. Ryan Camire, LCSW knocked on  
6           Petitioner's door (4R) while he was  
7           preparing for work (as a Safety Sensitive  
8           Civil Servant/Train Operator). There was no  
9           prior (or to this day) call, email, letter,  
10          appointment, requirement, need, etc., from  
11          the Bellevue Mobil Crisis Unit. Apparently,  
12          the first words I stated were "I do not  
13          require your services". Of course, as  
14          petitioner will show, "your" (i.e. Ryan  
15          Camire/Bellevue Mobile Crisis Unit)  
16          services, in violation of Hippocratic  
17          Oath/Medical Ethics (on Information and  
18          Belief Mr. Camire (and Ms. Rossi), are  
19          licensed medical professionals bound by

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26           

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<sup>5</sup> Petitioner will request the august District Court 'Toll'  
27           the acknowledged Statute of Limitations for both Medical  
28           Malpractice and Defamation/Defamation per se under Disclosure  
          Rule and relevant case law.

1 same) were performed only for Verizon  
2 Defendants to establish (unlawful, Due  
3 Process Clause Violating) "probable cause"  
4 to kidnap/remove Tenant/Civil Servant in  
5 order to (illegally) evict/terminate from  
6 employment. Nevertheless, familiar with  
7 Adrian Schoolcraft case (and others),  
8 Petitioner recorded a brief "evaluation"  
9 with Mr. Camire, in order not to be  
10 removed/tased/arrested/drugged that day,  
11 etc., for this clearly malicious,  
12 unwarranted, retaliatory (for Protected  
13 Activity) 'swatting'<sup>6</sup>. While, prior to  
14 Discovery, Petitioner cannot ascertain the  
15 exact relationship between Ms. Rossi, LCSW  
16 and Mr. Camire, LCSW ('dating'? Friends,  
17 former students), it is clear Mr. Camire put  
18 his (and yes Ms. Rossi's) license, employment  
19  
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27 <sup>6</sup> [https://www.cnn.com/2018/04/13/us/police-no-charges-](https://www.cnn.com/2018/04/13/us/police-no-charges-swatting-death/index.html)  
28 [swatting-death/index.html](https://www.cnn.com/2018/04/13/us/police-no-charges-swatting-death/index.html)

1 and liability on the line. Clearly  
2 conferring before, during and after the  
3 'evaluation' with his actual  
4 client/'patient' Ms. Rossi, he proceeded to  
5 commit DELIBERATE MALPRACTICE/DEFAMATION  
6 (PER SE) in order to 'do a solid' in helping  
7 to strip this law abiding Tenant/Civil  
8 Servant of ALL CONSTITUTIONAL RIGHTS (see  
9 Defendant's favorite, and only case law on  
10 their behalf<sup>7</sup>). Petitioner has medical  
11 documents from Bellevue Hospital delineating

16 <sup>7</sup> **Dred Scott v. Sandford**, 60 U.S. (19 How.) 393 (1857)"  
17 [Tenants/Civil Servants engaged in Protected Activity] had for  
18 more than a century before been regarded as beings of an  
19 inferior order, and altogether unfit to associate with the  
20 [Licensed Clinical Social Worker] race, either in social or  
21 political relations; and so far inferior, that they had no  
22 rights which the [LCSW/Landlord/Employer] man was bound to  
23 respect; and that the [Whistle-Blower] might justly and lawfully  
24 be reduced to slavery for his benefit. He was bought and sold,  
25 and treated as an ordinary article of merchandise and traffic,  
26 whenever a profit could be made by it. This opinion was at that  
27 time fixed and universal in the civilized portion of the  
28 [LCSW/Landlord/Verizon/NYCTA] race. It was regarded as an axiom  
in morals as well as in politics, which no one thought of  
disputing, or supposed to be open to dispute; and men in every  
grade and position in society daily and habitually acted upon it  
in their private pursuits, as well as in matters of public  
concern, without doubting for a moment the correctness of this  
opinion.

COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 14

1 their concerted/actionable/deliberate  
2 Medical Malpractice/Defamation, which wound  
3 up creating deliberate, successful  
4 Interference with Prospective Economic  
5 Advantage (defendants got plaintiff fired  
6 for Protected Activity). Petitioner will  
7 request this same Medical 'psychological'  
8 Documentation be submitted under seal or  
9 heavily redacted, as per HIPAA, etc..

10 10. As to the deliberately false  
11 'diagnosis'/Defamation/Malpractice by Mr.  
12 Camire/Ms. Rossi (apparently a  
13 duet/collaboration) LCSW, and as required in  
14 NYS Case Law Re: Defamation, within 11 page  
15 "Bellevue Hospital Center Chart Review  
16 Print": a) on page one "Consenting Party :  
17 patient consents or involuntary treatment".  
18 As suspected, at the time, if  
19 Plaintiff/"Patient" did not consent it would  
20 have ended in involuntary commitment UNDER

COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 15

1 COLOR OF LAW. B) page 2 "WM with PPH of  
2 psychosis, delusions, 1 prior admission in  
3 his 20s" which, other than the WM (White  
4 Male) was perfectly false, without evidence  
5 or contradictory evidence, malicious,  
6  
7  
8 defamatory, defamatory *per se*, intentionally  
9 injurious, intentional malpractice, etc..  
10  
11 Petitioner notes the prior clause was false  
12 "employed as an MTA Train Conductor"  
13  
14 (Petitioner was an NYCTA Train Operator)  
15  
16 which, while in and of itself is not  
17  
18 damaging goes to Mr Camire's  
19  
20 indifference/prejudice/incompetence. The  
21  
22 second page prominently references the  
23  
24 undisputed attempt by Petitioner (Protected  
25  
26 Activity) to "Petition the Government for  
27  
28 redress of grievances" via email and  
29  
30 Defendants claim this First Amendment Act  
31  
32 grants them lawful jurisdiction to  
33  
34 potentially deprive Tenant/Civil Servant of

COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 16



all Civil Rights, under Color of Law, while acknowledging it contained NO THREAT TO ANYONE, only a lawful request Verizon refrain from their own escalating criminal conduct, admittedly informing government/elected officials of same (i.e. Whistle-Blowing<sup>8</sup>).

11. As far as the deliberately False Defamation/Defamation *per se*/Medical Malpractice on page 3: a) "Per records, patient has 1 admission for psychosis when he was in his 20s (Info provided by sister)." Petitioner can only state, THIS IS

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<sup>8</sup>DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS FIFTH EDITION page 20 "A mental disorder is a syndrome characterized by clinically significant disturbance in an individual's cognition, emotion regulation, or behavior that reflects a dysfunction in the psychological, biological, or developmental processes underlying mental functioning. Mental disorders are usually associated with significant distress or disability in social, occupational, or other important activities. An expectable or culturally approved response to a common stressor or loss, such as the death of a loved one, is not a mental disorder. Socially deviant behavior (e.g., political, religious, or sexual) and **conflicts that are primarily between the individual and society are not mental disorders** unless the deviance or conflict results from a dysfunction in the individual, as described above." [emphasis added]

COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 17

1 BRUTALLY, INTENTIONALLY DAMAGINGLY  
2 FALSE!!!!!! In a phone conversation with  
3 Petitioners only Sister, this deliberate,  
4 defamatory falsehood was tricked out. She  
5 thought she was discussing her only son, who  
6 has been diagnosed on Autism Spectrum, and  
7 not Plaintiff, for whom SHE HAS/HAD NO  
8 MEDICAL INFORMATION! This conversation  
9 violated HIPAA and was additionally intended  
10 to Divide and Rule this "patient" by  
11 creating intentional, malicious, interfamily  
12 friction. Petitioner was additionally the  
13 victim of Identity Theft by Verizon  
14 Employees and that ID was apparently used in  
15 2000 for some individual treated for a  
16 Hernia (Petitioner had/has no Hernia and  
17 never was treated by Bellevue prior to 2016  
18 WTC Health Program appointment).

12. On page 4. "disheveled" Petitioner had just  
woken up (working pm/evening shifts to 11pm)

COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 18

1 in order to get required rest for safety  
2 sensitive occupation and prior to  
3 shower/dressing. And "appears unkempt and  
4 disheveled" (same answer). Under "Thought  
5 Content: Persecutory delusions, Paranoid  
6 ideation" and "Patient is very paranoid and  
7 believe [sic] he is persecuted from several  
8 areas." Mr. Camire LCSW, appears comically  
9 un-self-aware, that he is engaging in the  
10 very conduct (i.e. 'persecution'/Depravation  
11 of Civil Rights Under Color of Law (1983)))  
12 that would naturally engender being "very  
13 paranoid", see  
14 [https://en.wikipedia.org/wiki/Political\\_abus](https://en.wikipedia.org/wiki/Political_abuse_of_psychiatry_in_the_Soviet_Union)  
15 [e\\_of\\_psychiatry\\_in\\_the\\_Soviet\\_Union](https://en.wikipedia.org/wiki/Political_abuse_of_psychiatry_in_the_Soviet_Union)<sup>9</sup> And the

22  
23 <sup>9</sup> The "anti-Soviet" political behavior of some individuals -  
24 being outspoken in their opposition to the authorities,  
25 demonstrating for reform, and writing critical books - were  
26 defined simultaneously as criminal acts (e.g., a violation of  
27 Articles 70 or 190-1), symptoms of mental illness (e.g.,  
28 "delusion[emphasis added] of reformism"), and susceptible to a  
ready-made diagnosis (e.g., "sluggish schizophrenia"). Within  
the boundaries of the diagnostic category, the symptoms of  
pessimism, poor social adaptation and conflict with authorities

1 real reason for this terror "Impulsively  
2 sends emails to staff, public officials re:  
3 perceived mistreatment". Q.E.D. What does  
4 "Impulsively" equal? There was only one  
5 email at the time. This would not seem to  
6 lead to this Defamation. If one, admittedly  
7 un-liked, email is "Impulsive", what is two?  
8 Prison? Worse? For telling the truth<sup>10</sup>? B)  
9 "Judgment: Judgment is fair [true] but  
10 continues to send emails and avoid  
11 suggestion of treatment." The gist/demand,  
12 that Plaintiff cease and desist (not the  
13 criminal Verizon Defendants) in conduct that  
14 they (correctly) see does not serve their  
15 interests as Slavemaster/Corrections/Parole  
16 Officer/Mafia/RICO, i.e. to engage in First  
17 (and other Amendments) Amendment Protected  
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24

25 were themselves sufficient for a formal diagnosis of "sluggish  
26 schizophrenia."

27 <sup>10</sup> Petitioner admittedly made two *de minimis* errors as to  
28 the year, but not the month/day of two of Verizon's Burglaries  
in 4R.

COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 20

1 Activity. Full Stop. C) "Suicide Risk  
2 Factors : Impulsive or Reckless behavior"  
3 and "Violence Risk Factors : Paranoid  
4 delusions or perceived threat" apparently  
5 believing, and having boxes of evidence of,  
6 Verizon attempting to unlawfully evict and  
7 make homeless Plaintiff must be seen as  
8 friendly, or else be stripped of all Civil  
9 Rights.  
10

11  
12  
13 13. Page 5 gets interesting, to the real 1983  
14 (and RICO) violating Malicious Medical  
15 Malpractice/Defamation/Depravation of Rights  
16 Under Color of Law. First Mr. Camire, LCSW  
17 acknowledges meeting with his  
18 friend/colleague/co-conspirator/depriver of  
19 Civil Rights (Under Color of Law) Ms. Rossi  
20 LCSW. To "discuss the referral [from  
21 Verizon] information and review a copy of  
22 the email sent by the patient (copy of said  
23 email is in the chart for review). Ms. Rossi  
24  
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28

COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 21

1 indicates the patient has been a resident at  
2 the Kenmore since 1989 [true], and despite  
3 no known history of mental illness  
4 [absolutely true, admitting their concerted  
5 corruption], the patient has a long history  
6 of paranoid ideation and delusion  
7 surrounding the Kenmore and other  
8 institutions." "Patient is currently in  
9 \$70,000 of rent arrears [false] and although  
10 legal steps have been taken in order to  
11 evict the patient[yet absolutely no reason  
12 to be 'paranoid'!!] or force a judge  
13 [certainly this august Court might be  
14 interested in this] to garnish his wages  
15 [?], none have been successful." The last  
16 clause is absolutely correct, and the reason  
17 we are, again, in Court! Defendants  
18 acknowledge they have tried and failed all  
19 lawful means and now avail themselves of  
20 ongoing Predicate RICO illegal means, Under  
21  
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COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 22

1 has a complex delusional system involving  
2 the building staff and owners, and how they  
3 are defrauding the State of New York and the  
4 taxpayers." Mr. Camire, LCSW, on Information  
5 and Belief, not an Attorney, appears to  
6 employ "begging the question"<sup>12</sup> logical  
7 fallacy [would that itself be Delusional,  
8 i.e. Projection?], as well as performing an  
9 *ex post facto* cover-up/threat regarding  
10 exposing the undisputed facts delineated in  
11 the email. That makes this Public  
12 Corruption/Theft of Honest Services and  
13 Conspiracy to perform same via Intentional  
14 Medical Malpractice/Fraud/Defamation. And  
15 later "Patient was challenged on his  
16 delusions a few times during the interview  
17 and he was not responsive to intervention."

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25 <sup>12</sup> **Begging the question**, sometimes known by its Latin name  
26 *petitio principii* (meaning assuming the initial point), is a  
27 logical fallacy in which the writer or speaker assumes the  
28 statement under examination to be true. In other words, **begging**  
**the question** involves using a premise to support itself.

1 Begging the question again, apparently the  
2 "Patient" was required to state  $2+2=5$  and  
3 mean it, or else, see Part One, Chapter  
4 Seven of the book 1984<sup>13</sup>. Also mentioned is  
5 Petitioner's esteemed Uncle, Francis  
6 Broucek, M.D. a renowned Menninger trained  
7 Psychiatrist, graduate of the Topeka  
8 Institute for Psychoanalysis, former  
9 Professor of Medicine at the University of  
10 Kansas and author of several books on the  
11 subject. This Cv would seem to outweigh the  
12 alleged, or at best overworked/overused  
13 "credentials" of Mr. Camire/Ms. Rossi (on  
14 Information and Belief they earned no more  
15 than a Masters in Psychology),  
16 accredited/unaccredited? From where? Which  
17 they have maliciously employed no  
18 differently than those Soviet era  
19  
20  
21  
22  
23  
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25

26  
27 <sup>13</sup> See also Lord Acton, the British historian, who said:  
28 "All **power** tends to corrupt; absolute **power corrupts**  
absolutely."



1 Psychiatrists or the PHDs at Abu Ghraib<sup>14</sup>,  
2 or Dr. Mengele or Dr. Nassar. Then Mr.  
3 Camire incredibly contends "Patient denied  
4 legal history" after extensive disclosure  
5 that it was in fact discussed. Pure fiction  
6 and Medical Malpractice of the worst  
7 order/Defamation/Defamation *per se*.  
8

9  
10  
11 15. On page 7 (of 11) the intentional  
12 Defamation/intentional Medical Malpractice  
13 continues. "and despite his delusions and  
14 bizarre behavior at times,..." more begging  
15 the question illogical intentional  
16 falsehoods/Malpractice/Defamation. And "All  
17 [who are "all"?, the Royal 'We<sup>15</sup>'?] are  
18 currently in agreement that although the  
19 patient continues to exhibit bizarre  
20 behavior at times 2/2 delusional  
21  
22  
23  
24

25 <sup>14</sup> [https://qz.com/462911/when-american-psychologists-use-](https://qz.com/462911/when-american-psychologists-use-their-skills-for-torture/)  
26 [their-skills-for-torture/](https://qz.com/462911/when-american-psychologists-use-their-skills-for-torture/)

27 <sup>15</sup> The use of "we" instead of "I" by an individual person,  
28 as traditionally used by a sovereign. "Queen Victoria once  
remarked, with British understatement, "we are not amused.""

1 Disorder,..."And the most devastating  
2 Defamation/Medical Malpractice and the  
3 reason Ms. Rossi 'swatted' the  
4 Petitioner/"patient" in the first place, and  
5 why we are here "Ms. Rossi asked  
6 specifically if there is any need to discuss  
7 the situation with his employer (the  
8 MTA)[actually the NYCTA] as the patient is a  
9 Train Conductor [false, a Train Operator].  
10 As there is no current cause for concern of  
11 the patient harming self or others [then why  
12 the call and the deliberately false  
13 "diagnosis", to justify the visit??], there  
14 is no justification for violating the  
15 patient's confidentiality by discussing this  
16 with the MTA. Patient has been gainfully  
17 employed without incident in this position  
18 for 14 years. Ms. Rossi was encouraged,  
19 however, to continue to monitor the patient  
20 and his communications closely[emphasis

COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 27

1 added] in order to determine if there are  
 2 any specific threats made to self or other  
 3 commentary intimating potential for self-  
 4 harm." And next "Axis I : Delusional  
 5 disorder"<sup>16</sup> and "Dx(es) for Presnt [sic] :  
 6 Delusional disorder" next "Proplem(s) : :  
 7 LCSW<sup>17</sup> : Delusional Disorder, Rent Arrears"  
 8 and finally, for this page "Assessment/Plan  
 9 (WP) : A: 52 year old WM domiciled at the

14  
 15 <sup>16</sup> "Delusional disorder is one of the less common psychotic  
 16 disorders, in which patients have delusions but not the other  
 17 classical symptoms of schizophrenia (thought disorder,  
 18 hallucinations, mood disturbance or flat affect)." So called  
 19 Delusional Disorder is incredibly rare "One to 2 per cent of  
 20 mental health hospitalizations and only 0.001 to 0.003 per cent  
 21 of first-time psychiatric admissions are due to delusional  
 22 disorder (Kendler, 1982)." This is one reason (other than  
 23 additional Defamation) to accuse Plaintiff of the false prior  
 24 admission. As can be seen .001 to .003 percent of first-time  
 25 psychiatric admissions (or Diagnosis) would constitute one to  
 26 three out of every hundred thousand psychiatric admissions, i.e.  
 27 this Defamation/"diagnosis"/Malpractice is not only  
 28 intentionally false and consistently contradicted throughout the  
 false malicious 'narrative' but would be one for the medical  
 books, if it were not.

25 <sup>17</sup> "We", (i.e. the two LCSW's), Mr. Camire and Ms. Rossi,  
 26 acting in concert/collusion to deny Plaintiff his  
 27 Civil/Constitutional Rights, Under Color of Law, appear to agree  
 28 with Petitioner/"Patient" that these two LCSWs are the actual  
 sum total/cause of Patient 1663232's "problem(s)" as a statement  
 against interest.

COMPLAINT AND AFFIRMATION

1 Kenmore with symptoms consistent with  
2 delusional disorder.”

3  
4 16. Page 8 appears to have nothing Defamatory,  
5 but clearly discloses that the “patient” was  
6 not informed of their malicious, mendacious,  
7 intentionally fraudulent/injurious  
8 false/Defamatory/Medical Malpractice  
9  
10 “diagnosis”. I wonder why. That is the  
11 reason for the tolling request under  
12 Disclosure Rule, this was not disclosed  
13 (other than to Employer).

14  
15  
16 17. Page 9 (of 11) A Clinical Psychiatrist,  
17 Madeline O’Brien, MD, acknowledges never  
18 seeing talking to or discussing the secret  
19 “diagnosis” by Mr. Camire and Ms. Rossi.  
20 Nevertheless she accepts their inconsistent,  
21 false, malicious narrative as gospel,  
22 doubling down on the same, sight unseen.  
23  
24 “Patient sent a very psychotic lengthy  
25 email...” “Patient has a very systematized  
26  
27  
28

COMPLAINT AND AFFIRMATION

1 delusional system..." "patient has a long  
2 history of paranoid ideation and  
3 delusions..." Wildly actionable,  
4 unconstitutional, Defamatory, Defamatory per  
5 se, Medical Malpractice, all done in secret.  
6 Who was this "diagnosis" supposed to assist?  
7 The public? Ms. Rossi/Verizon? Time for some  
8 Discovery Depositions!!  
9

10  
11  
12 18. Page 10 "[petitioner] is really seeking  
13 legal interventions which would verify his  
14 delusional beliefs..." and again, after  
15 discussing numerous court actions Dr.  
16 O'Brien states in parroting of Mr. Camire  
17 "patient denied legal history" are they  
18 referring to criminal convictions (or  
19 arrests), for which Petitioner admittedly  
20 has none. How about the Defendants?  
21

22  
23  
24  
25 19. Page 11 of 11 again from Dr. O'Brien "Ms.  
26 Rossi understood that he could not be  
27 transferred to a Psych ER against his will  
28

COMPLAINT AND AFFIRMATION

1 [must have been disappointing to adversary  
2 Ms. Rossi, acting under Color of Law], but  
3 raised the question as to whether his  
4 employer needed to be notified of his  
5 delusions---he has worked for fourteen years  
6 without incident and he must have annual PE,  
7 random drug testing and vision screening and  
8 he is still employed. It would neither be  
9 her role or that of the MCU at this juncture  
10 to contact employer [and yet someone,  
11 presumably Ms. Rossi, did]. Patient does not  
12 at this time pose a threat of serious  
13 physical harm to himself or to others, ,  
14 there is no justification for violating the  
15 patient's confidentiality by discussing with  
16 the MTA. Patient does need to be closely  
17 monitored [but presumably is "delusional"  
18 about being closely monitored?]-although  
19 patient's with his type of delusional system  
20 usually flood the courts and seek legal  
21  
22  
23  
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COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 31

1                    vindication<sup>18</sup>[emphasis added]-patient could  
 2                    escalate [unlike Verizon?] if he becomes too  
 3                    stressed or he feels..."

4  
 5            20.        Regarding Defamation/Malpractice in the  
 6                    documents (18 pages) generated by Bellevue  
 7                    from the sole actual medical appointment  
 8                    (under World Trade Center Health Program  
 9                    auspices and jurisdiction) on June 14, 2016,  
 10                   we will try to be more succinct. Page 1,  
 11                   "Developmental History : .... As per chart,  
 12                   reports of a psychiatric hospitalization  
 13                   when pt was in his early 20s." False  
 14                   injurious Defamation/Defamation per  
 15                   se/Medical Malpractice. And "Past  
 16                   Psychiatric[sic] History : ... Per records,  
 17  
 18  
 19  
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 21

22  
 23                   <sup>18</sup> This is the actual reason for the false, secret  
 24                   Malpractice/Defamation, i.e. to create a logic trap. The very,  
 25                   correctly anticipated, act of seeking legal redress to their  
 26                   corrupt construction "proves" their knowingly false  
 27                   Defamation/Malpractice/False Claim (see again, Begging the  
 28                   Question!)! Given that Defendants could not succeed legally,  
 they seek to secretly attack the credibility of Plaintiff to  
 prevail in litigation, potentially remove on a 72 hour or 60 day  
 hold, evict from home and terminate from job, TRIPECTA YOU WIN  
 (and the Rule of Law/Constitution loses).

COMPLAINT AND AFFIRMATION

1 patient has 1 admission for psychosis when  
2 he was in his 20s (that information provided  
3 by his sister when pt was evaluated by  
4 mobile crisis unit (MCU))." Same knowingly,  
5 or negligently false and Defamatory  
6  
7 Malpractice that caused termination from  
8 employment and (initial) denial of NYCERS  
9 pension.  
10  
11

12 21. Page 2 "pt was thought to be experiencing  
13 paranoid delusions. See relevant  
14 documentation in chart." See above.  
15

16 22. Page 3 "... , however as per chart review  
17 there appears to have been in 2014 reports  
18 of pt experiencing paranoid delusions which  
19 may impact pt's risk level overall. Risk  
20 factors include ... History of paranoid  
21 delusions..." See above.  
22  
23

24  
25 23. Page 4 "... As per chart, in the past pt was  
26 diagnosed with delusional disorder." Also  
27 "Disposition: Screening and results and  
28

COMPLAINT AND AFFIRMATION



1           certifications were reviewed with patient  
2           and he verbalized understanding and  
3           agreement." While the second phrase may not  
4           seem defamatory, it is even more knowingly  
5           false than the first as "patient" WAS NOT  
6           TOLD OF THE (FALSE/DEFAMATORY)  
7           "DIAGNOSIS"<sup>19</sup>!! This 'secret' was intended,  
8           as stated previously by Dr. O'Brien, to  
9           shield Defendants from liability for their  
10          knowing, baseless, mean-spirited  
11          Malpractice, and instead of "do no harm", we  
12          have concerted, ongoing behavior to "do  
13          harm".

14  
15          24.       On page 6 it appears no Defamation or  
16                   Malpractice. Same for page 7. On page 8 "...  
17                   At that time [07/02/2014], as per chart, pt  
18                   appeared to reports[sic] paranoid  
19                   delusions..." See above.

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27               <sup>19</sup> See again 'Disclosure Rule' with regard to tolling in  
28               cases of deliberately hidden medical malpractice and/or  
              Defamation.

1           25.     Page 9 "... Pt was [2014] thought to be  
2                    experiencing paranoid delusions. See  
3                    relevant documentation in chart." And "... As  
4                    per chart review there was a hospitalization  
5                    when pt was in his 20s." and under Risk  
6                    Assessment "..., however as per chart review  
7                    there appeared to have been in 2014 reports  
8                    of pt experiencing paranoid delusions which  
9                    may impact pt's risk level overall. ....  
10                  History of paranoid delusions..." see above.

11           26.     Page 10 "... As per chart, in the past pt was  
12                    diagnosed with delusional disorder." Of  
13                    course, again, knowingly or negligently  
14                    false Malpractice/Defamation. And again "...  
15                    Disposition: screening and results and  
16                    certifications were reviewed with patient  
17                    and he verbalized understanding and  
18                    agreement." See pg 23.

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COMPLAINT AND AFFIRMATION

1 27. Page 11, 12 no malpractice/defamation. On  
2 page 13, by Dr. D Harshad Bhatt, "..., one  
3 prior psych hosp..." see above.  
4

5 28. Page 14 appears correct. Page 15 "... At that  
6 time [07/02/2014], as per chart, pt appears  
7 to reports [sic] paranoid delusions..."  
8

9 29. Page 16 "thought to be experiencing paranoid  
10 delusions [in 2014]. See relevant  
11 documentation in chart.... As per chart  
12 review there was a hospitalization when pt  
13 was in his 20s." and "MSE: poor to adequate  
14 grooming, somewhat malodorous<sup>20</sup>" see above.  
15

16 30. Page 17 "review there appears to have been  
17 reports in pastof [sic] pt experiencing  
18 paranoid delusions..., history of paranoid  
19 delusions...chiefly d/t paranoid delusions  
20 non-bizarre, carrying dx of delusional  
21 disorder." And "As per chart, in the past pt  
22  
23  
24  
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26 <sup>20</sup> Finally, Dr. Bhatt steps out of the defamatory repetition  
27 of Mr. Camire and contradicts his (and all others) statement on  
28 'odor'. On Information and Belief, Dr. Bhatt has attached a  
colostomy bag, which may account for his incorrect defamation.

1 was diagnosed with delusional disorder." See  
2 above.

3  
4 31. Finally, page 18 "Primary Axis I Dx :  
5 Delusional disorder" again see above.

6  
7 32. On July 14, 2016, the wildly malfunctioning  
8 'smoke alarm'<sup>21</sup> went off, for no reason, at  
9 three (3) am until staff arrived at 9am. The  
10 alarm, all that time, did not go to the FDNY  
11 or, apparently the Board, and could not be  
12 turned off. It was removed, and Tenant again  
13 requested a Reasonable Accommodation, or  
14 alternatively that the issue be decided by a  
15 Judge/Jury, and not simply be reinstalled.  
16 Instead the Verizon Defendants again  
17 'swatted' Plaintiff/Tenant and gave  
18 NYPD/FDNY a false 911 call to gain  
19 unwarranted access. When NYPD/FDNY arrived,  
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26 <sup>21</sup> At the time, Tenant/Petitioner had three (3) smoke alarms  
27 in small (under 200 sf) studio apt.. Petitioner had previously  
28 requested a reasonable accommodation under ADA, to remove the  
dangerous, malfunctioning 'alarm' or simply place it in the  
hallway.

1 Tenant complied (see Adrian Schoolcraft  
2 case) but requested filing a criminal  
3 complaint against the criminal Verizon. Like  
4 all previous requests to file criminal  
5 charges against Verizon, etc., they refused  
6 and another IA complaint was registered.  
7  
8 Thus we have a pattern of unconstitutional  
9 denial of Due Process, or Equal Protection.  
10 Defendant Verizon can call their surrogate,  
11 Under Color of Law, to perform any illegal  
12 act or swatting, but if a law abiding tenant  
13 requests the same consideration/protection,  
14 the answer is an affirmative no. This  
15 'policy' appears precinct-wide and an  
16 apparent policy/instruction from the  
17 Commander(s) at the 13<sup>th</sup> precinct. As one  
18 can imagine, a corrupt, mafialike  
19 owner/managing agent would (and have) turn  
20 it into a prison/gulag, treating the  
21 'tenants' as chattel (see again Dred Scott).  
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COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 38

1 The FDNY did nothing wrong, but are a  
2 required party as they responded to that  
3 deliberately false, malicious 911 call, and  
4 thousands of false ("nuisance") alarms for  
5 (no) smoke, endangering the public, and  
6 tenants. Verizon Defendants acknowledge  
7 paying substantial fines for these ongoing  
8 crimes. Verizon, with its numerous  
9 burglaries/thefts, in 4R and others, on a  
10 daily basis, results in violations of the  
11 Takings and Due Process Clause of the Fifth  
12 Amendment, Due Process and Equal Protection  
13 of the 14<sup>th</sup>, Cruel and Unusual Punishment of  
14 the 8<sup>th</sup>, and, of course, The First Amendment  
15 Retaliation. See above and attached.  
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22 33. Ongoing contract violations. There exists an  
23 undisputed Contract Bargaining Agreement,  
24 between the parties/Defendants NYCTA and TWU  
25 Local 100 (the collective bargaining and  
26 enforcing Agent). These parties have  
27  
28

COMPLAINT AND AFFIRMATION

1           conspired via sins of omission and  
2           commission, to deprive Plaintiff of his  
3           lawful Civil Service job (considered a  
4           'thing of value' under NYS law), wages,  
5           future wages/benefits, good name, etc..  
6           Petitioner filed four (4) grievances with  
7           the Local/NYCTA, which were initially  
8           (putatively) supported by the Local, calling  
9           for owed two weeks of wages, overtime, sick  
10          and vacation pay (approx. 50k) which have  
11          been stolen through today without (legal)  
12          cause. Also regarding the contract violating  
13          "termination from probation" when Plaintiff  
14          was not on probation, 2016 wages, and  
15          'Contact Differential'<sup>22</sup>. A step I and II  
16          were held on the 2015 wage theft, with no  
17          Step II decision over a year later, and no  
18          hearings or 'steps' in the others. This

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27           <sup>22</sup> A hard fought provision in the CBA calls for  
28           'differential' pay for covered members with substantiated, paid  
          Injury On Duty claims, such as Plaintiff. This massive debt is  
          unpaid through today.

1 effectively ends the contract/remedy for all  
2 members/Public Employees. No hearings before  
3 the Contract Arbitrator. CUNY was made a  
4 party because Mr. Camire works there,  
5 presumably committing his specialty of  
6 Medical Malpractice/Defamation (for 'friends  
7 only?) on innocent CUNY Students, also  
8 Petitioner believes the subject building  
9 should be used and owned jointly by tenants  
10 (under Article 11) and CUNY/Baruch as  
11 faculty/graduate/married housing (there are  
12 two other dorms, for NYU and SVA, on the  
13 block). The 18 pages from 2016 were received  
14 last year on May 22, 2017 and the (more  
15 defamatory/original defamation/malpractice)  
16 11 page 2014 'review' on August 30, 2017.  
17 Thus the need for tolling until those dates.  
18  
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25 34. Finally, the record shows, or will, that the  
26 Verizon Defendants (Ms. Rossi and/or others)  
27 went to Plaintiff's employer, conveying  
28

COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 41



1           their false, conjured Defamation, in order  
2           to harm/terminate/bankrupt, in order to  
3           evict. The first part was a success (see,  
4           and Take Judicial Notice of 15-cv-  
5           1481(EDNY)), giving NYCTA justification, in  
6           their mind to serially attack a Safety  
7           Sensitive Civil Servant operating trains  
8           full of passengers two months after the  
9           swatting. This caused an injury and the  
10          "IME" assigned to evaluate Plaintiff clearly  
11          referenced Mr. Camire/Ms. Rossi's false  
12          narrative WHILE IMMEDIATELY ORDERING  
13          PLAINTIFF BACK TO TRAIN OPERATION AFTER  
14          WITNESSING THE PRESCRIBED CONSUMPTION OF A  
15          BENZODIAZAPINE!! More dangerous  
16          fraud/malpractice/corruption. Thank you.

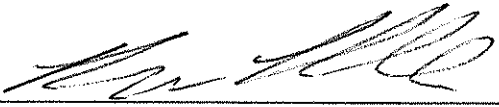
COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 42

CONCLUSION

WHEREFORE, plaintiff prays that the Court/Jury grant such relief as may be appropriate, including injunctive orders, compensatory damages, punitive damages, pre-judgment interest, medical costs, other costs, back wages, pain and suffering, and attorney's fees.

Dated this 21<sup>st</sup> day of May, 2018

  
\_\_\_\_\_  
/S/Brian Burke, pro per

COMPLAINT AND AFFIRMATION

JURY TRIAL DEMAND - 43